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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,042

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Martin Skoglund

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EXAMINER

RENWICK, REGINALD A

ART UNIT

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3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/539,042	<b>Applicant(s)</b> SKOGLUND, MARTIN	
	<b>Examiner</b> REGINALD A. RENWICK	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corby et al. (U.S. Patent No.6,418,417) in view of Shelton et al. (U.S. Patent No. 5,848,378) in further view of Ginsberg et al. (U.S. Patent Pub. 2003/0195441).

Regarding claim 1, Corby et al. discloses a system, method, and computer program product for valuating weather-based financial instruments where users purchase weather options based on at least one weather condition at a particular weather location during a specific time period (Abstract). Corby et al. discloses that the system comprises of a processor, memory and communication capabilities (column 15, lines 17-26). Furthermore, Corby et al. discloses that users communicate to the system through a second communication means via the Internet or internal Trading Server (column 7, lines 48-67; column 8, lines 1-8; Fig.1). It is understood by the examiner that the trader computer taught by Corby et al. is the processor that is used by the trader for connecting to the system. Corby et al. does not disclose that the system communicates to a first communication means associated with a weather parameter indication arrangement used for indicating at least one weather condition. In addition, Corby et al.

lacks the teaching that the processor of the system receives a weather data item from a weather parameter indication arrangement. However, Shelton et al. teaches a base weather center that communicates with remote weather stations through telephone lines and the Internet to receive the weather parameter condition surrounding the remote weather station (column 3, lines 22-41).

In addition, Corby et al. discloses that the parties participating in the weather contract agree to use government agencies to serve as the surveyors of weather conditions (column 6, lines 1-7). Corby et al. does not disclose how that information is received. It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Corby et al. with the system taught by Shelton et al in order to transmit weather data to the system taught by Corby et al., by using the Internet as both systems disclose transmitting information in this manner.

Furthermore, Corby et al. does not disclose the device being configured for generating the game result by relating the weather data item to the weather game type reference and then transmitting the game result to the game computer. However, Ginsberg et al. discloses a system for real-time interactive wagering on event outcomes where players can wager on the weather using the Internet (Abstract), and the system will relay information back to their display screens on whether they have won or loss their wager (0051,0052).

Proposition wagers are known in the art as it is known that gamblers wage money on horses in a race, numbers, in a game of craps, and everyday common occurrences. The act of gambling especially on proposition wagers has been present for

centuries. Corby et al discloses a method of calculating the price of the option based on prior weather information as well as forecasted information, but does not disclose the actual wager on the stock option. It is well known in the art that trading stock options is a method of wagering on the success of a disclosed outcome. It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Corby et al. with the teachings of Ginsberg et al. because Ginsberg et al. allows traders to make wagers on the stock options calculated using the invention of Corby et al. and allows traders to view the success of their wager.

Furthermore, Corby discloses selecting at least one weather data item to receive depending on a weather type reference system wherein the weather data item is either the number of "cooling degree-days" or the number of "heating degree-days" within a predetermined period of time, which is determined by the actual weather derivate contract (column 4, lines 46-64). After weather data item is selected, the contract classifies the selection into a predetermined set of alternatives that relate the amount of specific CDDs or HDDs to a weather game type reference in which the weather game type reference is a specific weather result. Corby discloses a specific example in which predetermined alternatives include: if CDDs > 650, if CDDs < 625, and if  $625 < \text{CDDs} < 650$  (Table 1). Therefore, to one skilled in the art Corby meets the added limitations of claim 1.

Regarding claim 2, Corby et al. discloses that the system processor accesses a weather forecast database and weather history database where each contains a

processor that is instructed by the game type reference system to access a memory unit containing a plurality of weather data weather items (column 3, lines 1-11).

Regarding claim 3, Corby et al. discloses that the device is configured such that generating the game result of the weather option by selecting weather data from a predetermined point in time (column 11, lines 45-47).

Regarding claim 4, Corby et al. discloses that the communications means between the system and the computer system of the trader includes connecting to one another through the Internet. Corby et al. does not specifically disclose connecting to a weather indication system nor does it disclose connecting to the weather station using the same means. However, Shelton et al. discloses connecting to a remote weather station through the Internet (column 3, lines 22-41).

It would have been obvious to one skilled in the art at the time the invention was made to use the Internet for transmitting data as the communication means to transmit data from the system to traders as taught by Corby et al., and as the communication means for transmitting data from the remote weather to the system taught by Shelton et al., to provide the instantaneous transmission of data from the remote weather station to the trader.

Regarding claim 5, Corby et al. discloses that the external traders can access the system through the Internet (column 8, lines 4-8) and it is well known that users can connect to the Internet by wired or wireless means. Corby et al. does not disclose accessing the weather indication system by wired or wireless means.

However, Shelton et al. discloses a base computer weather center and remote weather stations that connect to a weather center through telephone lines that access the modems of the remote weather stations (column 9, lines 20-29).

Although Corby et al. discloses receiving weather data from the NOAA (National Oceanic and Atmospheric Administration) for determining the successfulness of the trader, but Corby does not disclose the method for accessing the data. Without a specific method, one can interpret the method to include by word of mouth or by mail, which can take days or even months. It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Corby et al. with a method of accessing NOAA and remote weather stations, because through telephone lines traders will be able to receive instantaneous transmission weather results to determine if they have earned money from their weather option.

Regarding claim 6, Colby et al. discloses that the trader calculates a weather option based on a specific weather data (rain, snow, cloudy) that is received from NOAA (column 6, lines 16-23). However, Colby et al. does not explicitly teach how the methods that NOAA uses to receive the weather data including at least one of a camera for providing a either indicating image, a humidity sensor, a thermometer, a light intensity indication, a rain gauge, a lightening indicator, an atmospheric pressure indicator and a wind indicator. However, Shelton et al. discloses a weather station with various sensing inputs including a thermometer, rain gauge, video camera, and light meter (column 3, lines 22-28).

It would have been obvious to one skilled in the art at the time the invention was made to modify the invention taught by Corby et al. with the weather station taught by Shelton et al., because in order to receive the pertinent weather data, NOAA uses weather stations similar to that taught in Shelton et al. to capture weather data using a rain gauge, thermometer, light meter, and video camera.

Regarding claim 7, Corby et al. significantly meets the limitations of claim 7 except for disclosing at least one weather parameter indication arrangement that is either movable or remotely located in relation to the device and locally located in relation to the device. However, Shelton et al. discloses a base weather station that is connected to the base weather center and it is interpreted by the examiner that the two are located in relation to each other (Fig.3, column 9, lines 29-35). Furthermore, Shelton et al. discloses remote weather stations that are connected to the base weather center through telephone lines (column 9, lines 20-35).

It would have been obvious to one skilled in the art at the time the invention was made to modify with the invention of Corby et al. with the weather station arrangement taught by Shelton et al. to receive local weather data from the base weather station and remote weather data from the weather stations that are remotely located.

Regarding claim 8 and 9, Corby et al. significantly meets the limitations of claims 8 and 9 except for disclosing that the game result indication means is remotely located in relation to the device and locally located in relation to the device. Furthermore Corby et al. does not disclose that the indication means includes either a television, a phone, a printing device, computer, or a personal digital assistant.

However, Ginsburg et al. discloses that a plurality of network being connected to by a plurality of computers used for making wagers, where the winnings and losses of players are displayed on the computer screens (Fig.1; 0051; 0052).

It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Corby et al. with an game result indication means to notify players of their winnings and losses when gambling. The game result will allow players to change their strategy of gambling as well as determine whether they can afford future wagers.

Regarding claim 10, Cory et al. discloses that the structure of claim 1 including a processor, a memory unit, and communications bus is housed within the computer system (column 15, lines 17-26).

### ***Response to Arguments***

2. Applicant's arguments filed 4/23/2008 have been fully considered but they are not persuasive. Corby discloses selecting at least one weather data item to receive depending on a weather type reference system wherein the weather data item is either the number of "cooling degree-days" or the number of "heating degree-days" within a predetermined period of time, which is determined by the actual weather derivate contract (column 4, lines 46-64). After weather data item is selected, the contract classifies the selection into a predetermined set of alternatives that relate the amount of specific CDDs or HDDs to a weather game type reference in which the weather game type reference is a specific weather result. Corby discloses a specific example in which predetermined alternatives include: if CDDs > 650, if CDDs < 625, and if 625 < CDDs <

650 (Table 1). Therefore, to one skilled in the art Corby meets the added limitations of claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD A. RENWICK whose telephone number is (571)270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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RR

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05/11/08